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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,564	03/11/2004	Osamu Ishibashi	Q80348	4819
23373	7590	07/12/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			COURSON, TANIA C	
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/797,564	ISHIBASHI ET AL.	
	Examiner Tania C. Courson	Art Unit 2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-35 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>28JUL04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following must be shown or the feature(s) canceled from the claim(s):

- a) claim 13, line 3, claim 27, line 3, claim 30, line 3 and claim 34, line 15, respectively, "a power supply unit".

No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claim 4 is objected to because of the following informalities: in line 4, "a storage element" should read "said storage element". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsukida et al. (2004/0101322 A1).

Tsukida et al. discloses in Figures 1 and 18, an image forming apparatus:

With respect to Claim 1:

- a) an image formation module (Fig. 1) that holds multiple recording agent cartridges (4a-4d) respectively filled with the multiple colors in an attachable and detachable manner and moves said multiple recording agent cartridges to form corresponding color component images and eventually form a color image with supplies of the recording agents from said multiple recording agent cartridges (Fig. 1);
- b) an information transmission module (1) that is located in a moving range of said multiple recording agent cartridges in the course of image formation by said image formation module and transmits information in a contactless, storable manner to each of storage elements mounted on said multiple recording agent cartridges (Fig. 1) and;
- c) a control module (B) that controls said information transmission module to store image formation-relating information, which regards formation of the color image by said image formation module, into each of said storage elements mounted on said multiple recording agent cartridges (Fig. 1).

With respect to claim 14:

- a) an image formation module (Fig. 1) that holds multiple recording agent cartridges (4a-4d) respectively filled with the multiple colors in an attachable and detachable manner and moves said multiple recording agent cartridges to form an image on the medium with a supply of the recording agent from at least one recording agent cartridge among said multiple recording agent cartridges (Fig. 1);
- b) an information transmission module (1) that is located in a moving range of said multiple recording agent cartridges in the course of image formation by said image formation module and transmits information in a contactless, storable manner to each of storage elements mounted on said multiple recording agent cartridges (Fig. 1) and;
- c) a control module (B) that controls said information transmission module to store image formation-relating information, which regards formation of the image by said image formation module, into each of said storage elements mounted on said multiple recording agent cartridges (Fig. 1).

With respect to claims 28 and 32:

- a) a storage element that utilizes energy of received electromagnetic wave in a predetermined frequency band to store information sent on the electromagnetic wave (paragraph 137).

With respect to the preamble of the claims 28 and 32: the preamble of the claim has not been given any patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self – contained description of the structure not depending for completeness upon the introductory clause. Kropa v. Robie, 88 USPQ 478 ( CCPA 1951).

With respect to claims 2-13, 15-27, 29-31 and 33-35:

- a) wherein said control module controls said information transmission module to store the image formation-relating information into each of said storage elements mounted on said multiple recording agent cartridges at a specific timing after completion of formation of the color image by said image formation module (paragraph 78);
- b) wherein said control module controls said information transmission module to store previous image formation-relating information, which regards formation of a previous color image, in the course of formation of the corresponding color component images by said image formation module (paragraph 78);
- c) wherein said control module controls said information transmission module to store the image formation-relating information into a storage element mounted on one of said multiple recording agent cartridges filled with a recording agent of each of the multiple colors at an end timing of formation of the

corresponding color component image by said image formation module  
(paragraph 78);

- d) wherein the image formation-relating information includes at least either of a number of formed images with regard to each of the multiple colors and a consumption of the recording agent with regard to each of the multiple colors (paragraph 78);
- e) wherein said multiple recording agent cartridges are filled with recording agents of four colors , that is cyan, magenta , yellow, and black (paragraph 77);
- f) wherein said image formation module separately holds said multiple recording agent cartridges on a rotatable, quasi-cylindrical rotary holder unit and rotates the rotary holder unit to form the respective color component images (Fig. 1);
- g) wherein each of said multiple recording agent cartridges is designed to have a substantially fan-shaped cross section and form a substantially circular cross section as a whole in the case of attachment of said multiple recording agent cartridges to the rotary holder unit (Fig. 1);
- h) wherein said information transmission module is located in a neighborhood of an end of the rotary holder unit (Fig. 1);
- i) wherein said information transmission module is located to successively face said storage elements mounted on said multiple recording agent cartridges with rotation of the rotary holder unit (Fig.1 );
- j) wherein the recording agent is either toner or ink (paragraph 77);

- k) wherein said storage element comprises: a memory unit that stores information; a receiver unit that receives electromagnetic wave in a predetermined frequency band; an information analyzer unit that analyzes information carried on the electromagnetic wave in the predetermined frequency band received by said receiver unit; and an information control unit that, when the analyzed information includes storage instruction for storage of the image formation-relating information, controls said memory unit to store the image information, which is sent on the electromagnetic wave in the predetermined frequency band and analyzed by said information analyzer unit, and said information transmission module transmits the information carried on electromagnetic wave in the predetermined frequency band (paragraph 137);
- l) wherein said storage element further comprises a power supply unit that utilizes energy of the electromagnetic wave in the predetermined frequency band received by said receiver unit to generate electric power required for the analysis of information by said information analyzer unit and for the storage of information by said information control unit (paragraph 142).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art cited on PTO-892 and not mentioned above disclose a image formation device:

Shiraki et al. (US 6,889,024 B2)

Shimura et al. (US 6,871,026 B2)

Sakemi et al. (US 6,850,722 B2)

Yamaguchi et al. (US 6,834,173 B2)

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania C. Courson whose telephone number is (571) 272-2239.

The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez, can be reached on (571) 272-2245.

The fax number for this Organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DIEGO F.F. GUTIERREZ  
SUPERVISORY PATENT EXAMINER  
GROUP ART UNIT 2859

TCC  
July 8, 2005

*G. Bradley Bennett*  
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PRIMARY EXAMINER  
A U 2859